रजिस्ट्री सं० डी-(डी)-72 REGISTERED No. D-(D)-72

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 9] नई दिल्ली, बुधवार, मार्च 12, 1980/फाल्गुन 22, 1901
No. 9] NEW DELHI, WEDNESDAY, MARCH 12, 1980/PHALGUNA 22, 1901

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

CENTRAL SECRETARIAT LIBRARY GOVT. OF INDIA

LOK SABHA

The following Bills were introduced in Lok Sabha on the 12th March, 1980:—

BILL NO. 36 OF 1980

A Bill to provide for the payment out of the Consolidated Fund of India of sums equivalent to the net proceeds of Union duties of excise on electricity to the States to which the law imposing the duty extends and for the distribution of those sums among those States in accordance with the recommendations of the Finance Commission, in its report dated the 28th day of October, 1978.

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Union Duties of Excise (Electricity) Distribution Act, 1980.

(2) It shall be deemed to have come into force on the 1st day of April, 1979.

Definition.

2. In this Act, the expression "distributable Union duties of excise on electricity" means the net proceeds of Union duties of excise on electricity levied and collected, other than in Union territories, under the Central Excises and Salt Act, 1944 and any other law for the levy and collection of such duty, unless the law earmarks the proceeds of the duty for any special purpose.

1 of 1944.

Explanation.—The expression "net proceeds" has the same meaning as in clause (1) of article 279 of the Constitution.

Payment to States of sums equivalent to the net proceeds of Union duties of excise on electricity and distribution of the sums among them.

3. During the financial year commencing on the 1st day of April, 1979 and each of the four succeeding financial years there shall be paid, out of the Consolidated Fund of India, to the States sums equivalent to the distributable Union duties of excise on electricity levied and collected in that year and those sums shall be distributed to each of the States specified in column (1) of the Table below in such percentage as is set out against it in column (2) for the respective year:—

TABLE

(1)	(2)				
State	Percentage				
	1979-80	1980-81	1981-82	1982-83	1983-84
Andhra Pradesh	7·82	8·71	9·15	8·92	8·58
Assam	0·72	0·92	1·37	1·49	1·41
Bihar	6·88	6·66	6·80	6·55	6·64
Gujarat	7·67	7·50	7·77	7·49	7·33
Haryana	3·21	3·20	2·89	2·91	2·99
Himachal Pradesh	0·79	0·73	0·72	0·72	0·71
Jammu and Kashmir	0·90	0·79	0·78	0·86	1·00
Karnataka	7·05	7·24	7·10	6·70	6·46
Kerala	4·20	3·77	3·53	3·58	3·62
Madhya Pradesh	5·47	5·86	6·13	6·09	5·98
Maharashtra	13·26	13·34	13·69	14·24	14·48
Manipur	0·01	0·05	0·07	0·08	0·09
Meghalaya	0·29	0·26	0·23	0·22	0·22
Nagaland	0·07	0·08	0·08	0·09	0·09
Orissa	3·70	3·54	3·76	4·01	3·89
Punjab	5·90	5·55	5·10	5·00	5·06
Rajasthan	3·97	3·62	3·55	3·40	3·46
Tamil Nadu	7·25	7·28	6·93	6·65	6·38
Tripura	0·04	0·05	0·05	0·05	0·06
Uttar Pradesh	12·28	12·40	11·40	11·51	11·87
West Bengal	8·52	8·45	8·90	9·44	9·68

4. The expenditure on the payments in pursuance of section 3 shall be charged on the Consolidated Fund of India. Payment to be charged on the Consolidated Fund of India.

5. (*1*) The Central Government may, by notification in the Official Gazette, make rules providing for the time at which and the manner in which, any payments under this Act are to be made, for the making of adjustments between one financial year and another and for any other incidental or ancillary matters. Power to make rules.

(*2*) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

During each of the financial years from 1974-75 to 1978-79, based on the recommendations of the Sixth Finance Commission, a sum equivalent to twenty per cent of the annual net proceeds of Union duties of excise, excluding cesses levied under special Acts and earmarked for special purposes, was paid to the States and distributed among them in the percentages which that Commission had recommended. The Seventh Finance Commission, in its Report, 1978, recommended that—

(i) forty per cent of the net proceeds of Union duties of excise, other than on generation of electricity, levied and collected during each of the years 1979-80 to 1983-84, excluding cesses levied under special Acts and earmarked for special purposes, should be paid out of the Consolidated Fund of India to the States and distributed among them in the percentages recommended by the Commission; and

(ii) during each of the years 1979-80 to 1983-84, the net proceeds of the Union duties of excise on generation of electricity should be paid out of the Consolidated Fund of India to each State in an amount equal to the collection in or attributable to that State.

The Union Duties of Excise (Distribution) Act, 1979, to give effect to item (i) of the above recommendation of the Commission, has already been enacted by Parliament in May, 1979.

In making its recommendation at item (ii) above, the Seventh Finance Commission had also taken note of the State-wise estimates of revenues, net of cost of collection, from Union duty of excise on electricity in each of the five years from 1979-80 to 1983-84, based on the anticipated energy availability in each State as contained in the Tenth Annual Power Survey. The Bill which seeks to give effect to item (ii) of the above recommendation, provides for the distribution of the net proceeds of the duty among the States in the same percentages, in the respective year, as the Commission had relied upon.

NEW DELHI;
The 23rd February, 1980. R. VENKATARAMAN.

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117 AND 274 OF THE CONSTITUTION OF INDIA

[Copy of letter No. F. 10(6)-B(S)/79, dated the 27th February, 1980 from Shri R. Venkataraman, Minister of Finance to the Secretary, Lok Sabha.]

The President, having been informed of the subject matter of the proposed Bill to provide for payment out of the Consolidated Fund of India, of sums equivalent to the net proceeds of Union duties of excise on electricity to the States to which the law imposing the duty extends and for the distribution of those sums among those States in accordance with the recommendations of the Finance Commission, in its report dated the 28th day of October, 1978, recommends under clauses (1) and (3) of article 117 and clause (1) of article 274 of the Constitution, the introduction of the Union Duties of Excise (Electricity) Distribution Bill, 1980, in Lok Sabha and also the consideration of the Bill.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for payment to the States of the net proceeds of Union duties of excise levied and collected on generation of electricity, other than in Union territories, during the financial year commencing on the 1st day of April, 1979 and each of the four succeeding financial years. The Seventh Finance Commission, whose recommendation in this regard is intended to be given effect to by this Bill, estimated the payments to the States at Rs. 1145.88 crores during the five years 1979-80 to 1983-84.

The Bill does not involve any non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules in respect of matters specified therein. They relate to the time at which and the manner in which any payments are to be made to the States, for the making of adjustments between one financial year and another and for any other incidental or ancillary matters. The matters in respect of which the rules may be made are of a routine and administrative character.

2. The delegation of legislative power is thus of a normal character.

BILL No. 39 OF 1980

A Bill to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1980-81 *for the purposes of Railways*

BE it enacted by Parliament in the Thity-first Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Appropriation (Railways) Vote on Account Act, 1980.

Withdrawal of Rs. 1414,91, 14,000 from and out of the Consolidated Fund of India for the financial year 1980-81.

2. From and out of the Consolidated Fund of India there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one thousand four hundred fourteen crores, ninety one lakhs and fourteen thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1980-81, in respect of the services relating to railways specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be withdrawn from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(*See* sections 2 and 3)

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Funds	Total
		Rs.	Rs.	Rs.
1	Railway Board . . .	96,22,000	..	96,22,000
2	Miscellaneous Expenditure (General)	5,61,27,000	*1,00,000*	5,62,27,000
3	General Superintendence and Services	43,82,97,000	*1,18,000*	43,84,15,000
4	Repairs and Maintenance of Permanent Way and Works .	74,54,96,000	*1,51,000*	74,56,47,000
5	Repairs and Maintenance of Motive Power . . .	66,41,71,000	*53,000*	66,42,27,000
6	Repairs and Maintenance of Carriages and Wagons .	82,88,39,000	*67,0 00*	82,89,06,000
7	Repairs and Maintenance of Plant and Equipment . .	39,57,68,000	*48,000*	39,58,16,000
8	Operating Expenses—Rolling Stock and Equipment .	82,68,24,000	*1,73,000*	82,69,97,000
9	Operating Expenses—Traffic .	88,02,46,000	*9,56,000*	88,12,02,000
10	Operating Expenses –Fuel .	140,11,15,000	*37,000*	140,11,52,000
11	Staff Welfare and Amenities .	29,07,30,000	*41, 000*	29,07,71,000
12	Miscellaneous Working Expenses	40,79,76,000	*1,09,62,000*	41,89,38,000
13	Provident Fund, Pension and other Retirement Benefits .	35,06,92,000	*33,000*	35,07,25,000
14	Appropriation to Funds . .	105,18,15,000	..	105,18,15,000
15	Dividend to General Revenues Repayment of loan taken from General Revenue and Amortization of Over-capitalization .	5,89,45,000	..	5,89,45,000
16	Assets—Acquisition, Construction and Replacement Revenue	3,99,90,000	*17,000*	4,00,07,000
	Other Expenditure.	568,78,85,000	*18,17,000*	568,97,02,000
	TOTAL	1413,45,41,000	*1,45,73,000*	1414,91,14,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 114(1) of the Constitution of India, read with article 116 thereof, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the expenditure charged on the Consolidated Fund of India and the grants made in advance by Parliament in respect of the estimated expenditure of the Central Government on Railways, for a part of the financial year 1980-81.

KAMLAPATI TRIPATHI.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 80-B-401, dated the 11th March, 1980 from Shri Kamlapati Tripathi, Minister of Railways to the Secretary, Lok Sabha.]

The President, having been informed of the subject matter of the proposed Appropriation Bill providing for the withdrawal from and out of the Consolidated Fund of India of the moneys required to meet the expenditure charged on the Fund and the grants made by the Lok Sabha for a part of the financial year, 1980-81, recommends under clauses (1) and (3) of article 117 of the Constitution of India the introduction in and consideration by Lok Sabha of the Appropriation Bill.

BILL NO. 40 OF 1980

A Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1979-80 for the purposes of Railways.

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (Railways) No. 2 Act, 1980. Short title.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one hundred eleven crores, ninety-two lakhs and eighty-nine thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1979-80, in respect of the services relating to Railways specified in column 2 of the Schedule. Issue of Rs. 111,92,89,000 out of the Consolidated Fund of India for the financial year 1979-80.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. Appropriation.

THE SCHEDULE

(*See* sections 2 and 3)

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Railway Board . . .	5,00,000	..	5,00,000
2	Miscellaneous Expenditure (General) . . .	9,14,000	*1,12,000*	10,26,000
3	General Superintendence and Services	3,24,33,000	*1,78,000*	3,26,11,000
4	Repairs and Maintenance of Permanent Way and Works .	9,28,24,000	..	9,28,24,000
5	Repairs and Maintenance of Motive Power . . .	..	*24,000*	24,000
6	Repairs and Maintenance of Carriages and Wagons . .	..	*86,000*	86,000
7	Repairs and Maintenance of Plant and Equipment . .	4,04,93,000	..	4,04,93,000
8	Operating Expenses—Rolling Stock and Equipment. .	..	*1,54,000*	1,54,000
9	Operating Expenses—Traffic .	6,26,87,000	*30,57,000*	6,57,44,000
11	Staff Welfare and Amenities .	2.02,96,000	*1,22,000*	2,04,18,000
12	Miscellaneous Working Expenses.	3,15,90,000	*8,67,000*	3,24,57,000
13	Provident Fund, Pension and Other Retirement Benefits .	16,79,70,000	..	16,79,70,000
16	Assets—Acquisition, Construction and Replacement .	65,35,62,000	*14,20,000*	66,49,82,000
	TOTAL . .	111,32,69,000	*60,20,000*	111,92,89,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 114(1) of the Constitution of India, read with article 115 thereof, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the supplementary expenditure charged on the Consolidated Fund of India and the grants made by the Lok Sabha for expenditure of the Central Government on Railways, for the financial year 1979-80.

KAMLAPATI TRIPATHI.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 80-B-402, dated the 11th March, 1980 from Shri Kamlapati Tripathi, Minister of Railways to the Secretary, Lok Sabha.]

The President, having been informed of the subject matter of the proposed Appropriation Bill providing for the appropriation out of the Consolidated Fund of India of the moneys required to meet the expenditure charged on the Fund and the Supplementary Grants made by the Lok Sabha, for 1979-80, recommends under clauses (1) and (3) of article 117 of the Constitution of India read with clause (2) of article 115 thereof, the introduction in and consideration by Lok Sabha of the Appropriation Bill.

AVTAR SINGH RIKHY,
Secretary.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1980